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The Best at the Lowest
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Bedroom Set**

And buy the family an up-to-
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**JUST ONE
Round Top
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Left out of a large shipment.

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Dining Chairs**

Nothing like them in town. This
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"To Have and to Hold," "Red Pottage,"
"A Daughter of the Vine," "When
Knighthood Was in the Flower," "No. 1
John Street," "Three Men on Wheels,"
"The Prisoners of Hope," with "Un-
warranted Bread," "Senator North," "A
Gentleman from Indiana," "The Black
Wolf's Breed," "For the Queen in South
Africa," "Currita, Countess of Albor-
noz," "The Voice of the People," "Rob-
ert Tournay" is "Pursuit of the Fouse-
boat," "Janice Meredith," "A Name to
Conjure With," "Monsieur Beaucaire,"
"The Autobiography of a Grizzly," "The
End of an Era," "Deacon Bradbury,"
"In Cuba With Shafter," "Trooper
1899," "The Sign of the Cross," "Em-
press Octavia," "With Kitchener to
Khartoum," "In Hampton Roads,"
"Ben Comee," "A Gentleman Player,"
"The Hero of"

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Two electric car lines within 200 feet
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Owner intends leaving the city.
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a bargain.

Also have for sale a home and lot,
60 x 200, centrally located.

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MRS. M. W. HENDRY,

Pennacola Street.

**MRS. BERGER
LOSES CASE**

Judgment Given For
Booth.

BROTHER DEFEATS SISTER

Judge Humphreys Holds in Favor of
Booth and Desky--Other
Court News.

Mrs. Sarah Berger has lost her suit
against her brother, C. W. Booth, and
C. S. Desky, over the Pacific Heights
property. The case was submitted to
Judge Humphreys yesterday morning
and he immediately gave judgment for
the defendants dismissing Mrs. Ber-
ger's bill.

In his oral decision Judge Humphreys
said that the basis of Mrs. Berger's suit
and the principal ground upon which
she had asked judgment was that in
the sale of the property her brother
was held to more than usual care be-
cause he occupied a quasi-fiduciary re-
lation to her on account of his being
her brother. But according to the tes-
timony in the case, said the court, it
was shown that Mr. Booth could not be
held to occupy any such relation to-
wards her. Mrs. Berger herself had
testified that she had not been on good
terms with her family for some time,
and likewise that she had not depended
upon what her brother had told her of
the value of the property but had sent
an agent and taken her side of the
transaction out of her brother's hands.
So she had no right to contend that her
brother had taken any advantage of
his relation to her in disposing of her
property. He gave judgment for the
defendants, dismissing Mrs. Berger's
bill.

Yesterday morning C. W. Booth, C.
S. Desky, W. C. Weedon and E. W.
Jordan were the witnesses. They all
told of the location of the property and
of its small value without the water
right which had been secured since Mrs.
Berger had sold out her interest in it.

UHLBRECHT'S ESTATE.

Mrs. Emilie Uhlbrecht, widow of Emil
Uhlbrecht, the man who was drowned off
Makapuu Point and whose foot was
afterwards found in the stomach of a
shark has filed an inventory of her
husband's estate in the Circuit Court.
It shows a piece of real estate with a
dwelling house on it at Kekio, Waikiki-
kai, Honolulu, containing an area of
5,000 square feet. To this the minors
are entitled subject to the widow's
right of dower. Of personalty there is
a bicycle valued at \$20, a chest of tools
worth \$40, household furniture worth
\$10 and \$29.20 in cash. This consti-
tutes the entire property of the deceased.
With the inventory Mrs. Uhlbrecht
files a petition for an order for the
sale of the real estate at Waikiki-
kai. She states that she has sold all
the personalty to maintain the children
since her husband's death. She asserts
that the house on the property is un-
finished and that it would require \$200
at least to put it in shape for renting.
After it was completed it would only
rent for \$10 to \$15 per month and that
such an income would be insufficient to
support the minors.

She asks that she may be permitted
to sell the property and use the money
for the support of her children.

THE ENTERPRISE CASE.

Captain Frietsch of the schooner En-
terprise is in all kinds of pickle. On
Wednesday his sailors recovered judg-
ment in one of the libel cases which
they have had in the United States Dis-
trict Court and the captain wants to
appeal the case. But meanwhile his
vessel is held for the judgment which
has been obtained.

Yesterday the captain filed an affi-
davit asking the release of his vessel.
He states that it is loaded partially
with hay and that it is leaking badly
so that the cargo is being spoiled and
unless it is released and he is given an
opportunity to sell the cargo he will be
unable to realize half of its value.

Judge Estee however denied the peti-
tion for the release of the ship. He or-
dered a \$500 bond filed in the case of
Parkinson vs. the Enterprise, and this
bond was filed and will come up for ap-
proval to-day.

HAYDEN'S ESTATE.

The petition of Thomas R. Lucas, a
creditor and bondsman of I. N. Hay-
den who died a few days ago, to be ap-
pointed temporary administrator of

Hayden's estate was denied yesterday
by Judge Humphreys.

Lucas in his petition asserted that
Hayden's estate was valued at \$4,000,
consisting of stocks and other personal
property. He states that the principal
item of the estate is a contract for the
completion of a building at the corner
of Fort and Hotel streets. Lucas
wished permission to act as temporary
administrator for the purpose of com-
pleting the building according to the
terms of and within the time prescribed
by the contract.

WILLIAM CARSON CASE.

All day long yesterday in the Supreme
Court Attorney McClanahan read testi-
mony in the case of Hind vs. the Wilder
Steamship Company, the case which arose
out of the sinking of the William Carson
by the Claudine several months ago.
The appellant has not concluded his case
yet and it will be at least another day
before the case is finished.

NEW CITIZENS.

The following were the new citizens
admitted by Judge Estee yesterday:
Richard T. Rickard of England, Conrad
Bollmann of Germany, M. P. Dedmattos
of Portugal, Thomas Smith of Scotland.

COURT NOTES.

United States District Attorney John
C. Baird was yesterday admitted to prac-
tice in the Supreme Court of Hawaii.

William C. King has filed a general de-
nial to the complaint of Eugene Avery in
the malicious prosecution case brought
by the latter.

**A. T. ATKINSON'S
STATEMENT**

What He Said About Uncer-
tificated Children in
the Schools.

The attempt on the part of an alleged
newspaper of this city to whip Superin-
tendent Atkinson over the Advertiser's
shoulders, has drawn the following
signed statement from that official:

"I brought up this subject of uncer-
tificated children in consequence of
finding that there were six children in
a district which I visited who had not
been going to school for two or three
years as far as I could find out. These
children were refused certificates of
health by the doctor. From other in-
formation which I had, I found that
there were children in other districts.
It might be one or two or three or four,
who were also not attending school
from the same causes; that is, the re-
fusal of the Board of Health doctor to
give them a clean health certificate.

"I considered that such a thing as de-
nying children educational facilities
under these circumstances, though per-
fectly just from a health point of view,
was a matter which should be consid-
ered by the general public, and in con-
sequence of that idea, I brought it be-
fore the Board of Education for their
consideration.

"The question, to my mind, was a
very difficult one. I, myself, after many
days of careful consideration, could not
arrive at a solution of the problem. It
was not that there were so many, but
it was that there were so few; and it
seemed to me that the proper thing was
to lay the subject before the public and
that perhaps some one might find a
solution of the problem.

"I have never stated that there were
hundreds. I have simply stated that
there were many, and even in this I
might be in error, though from the
premises upon which I am speaking I
have ample reason to believe that the
number is greater than that which is
usually thought.

"It is possible that in the discussion
before the Board of Education there
may have been statements made out-
side of those enunciated by the Super-
intendent of Public Instruction which
may have led the listeners to imagine
that the condition of affairs in this
direction was more serious than it
really is. All that I desired was this.
There was a distinct situation which
had to be met, and what I wanted was
that it should be met in some official
manner. What I asked for was the
advice, not only of the board to whom
I addressed my remarks, but of the
general public, whose interests are
most intimately concerned in a ques-
tion of this kind. And I considered that
that was the best opportunity that I
could have of putting the question be-
fore the public.

"There was no idea of alarmist or
sensational matter in what I said. It
was simply a situation which I consid-
ered ought to be met, and I still consid-
er that that question has to be met
and has not yet been solved.

"ALATAU T. ATKINSON."

Toma Abe Off for Laysan.

Toma Abe, the former Japanese
police officer who made a brilliant re-
cord on the force, is to leave on the bark
Ceylon for the Island of Laysan, where
he will commence work as a luna over
his countrymen who labor on the guano
deposits. Toma has been very busy
the last two or three days making his
preparations for the journey and is bid-
ding his old friends good bye. He ex-
pects to return to Honolulu wealthy of
the world's goods and to have built up
a fine reputation for keeping recalcit-
rant Japanese laborers at their work.

An excellent remedy for insomnia
will be found in the famous old Jesse
Moore "AA" Whiskey taken at bed-
time.

TWO AMERICAN OFFICERS IN CHINA.

Captain Myers is one of the heroic defenders of the American legation in Peking. He is a captain of marines from the battleship Oregon and commands Minister Conger's little army. In a desperate sortie, during which great loss was inflicted on the Chinese, Captain



CAPTAIN JOHN T. MYERS, U.S.M.C. COLONEL A. S. DAGGETT, U.S.A.

Myers was slightly wounded. Colonel Daggett is the commander of the Fourteenth in-
fantry, now fighting the Chinese. He is a veteran soldier and a capable, courageous leader.
The distance from the Taku forts to Peking is 106 miles and from Tien-tsin to Peking 79
miles. The country is very low and difficult for an army to traverse.

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Capital, paid up \$55,000.

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These bonds are now for sale at the
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unless it remains undisturbed for one
month); 3 months, 3 per cent; 6 months
3 1/2 per cent; 12 months, 4 per cent.

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